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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/064,322 | 07/02/2002 | Eric C. Huffman | 71189-1433 | 8278 |
| 20915 | 7590 | 01/26/2005 | EXAMINER | |
| MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503 | | | SNIDER, THERESA T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,322

Applicant(s)

HUFFMAN ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-13 and 15-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 6, 8-13 and 15-22 is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☒ Claim(s) 4 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-2 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted State of the Prior Art as set forth in the preamble of the Jepson Claims (hereafter ASPA) in view of Losey or Liebscher.

ASPA discloses a similar surface cleaning apparatus however fails to disclose the elongated brush having multi-rows of sinusoidal arranged bristles or helically arranged bristles on a wire brush.

Losey discloses a surface cleaning machine with an elongated agitation brush having a multi-row helically arranged twisted wire brush (col. 2, lines 56-57 and 92-97). Liebscher discloses a rotatable brush for carpet cleaners that is a multi-row, sinusoidal arranged bristle brush (fig. 2, col. 4, lines 50-52). It would have been obvious to one of ordinary skill in the art to provide the brush of Losey or Liebscher in ASPA to impart a beating or shaking action to a surface being cleaned to allow for the most effective cleaning thereof.

With respect to claim 2, Liebscher discloses the brush having any suitable number of rows of bristles (col. 3, lines 45-50). It would have been obvious to one of ordinary skill in the art to determine the most appropriate number of bristle rows in ASPA in view of Losey or Liebscher in accordance with the diameter of the shaft and the size of the cleaning apparatus.

With respect to claims 9-12, these elements are being read as ASPA, since they are limiting the preamble of the Jepson claim, as further supported by 0033 in the specification.

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2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Losey as applied to claim 1 above, and further in view of Clements.

ASPA in view of Losey discloses a similar surface cleaning apparatus however fails to disclose the wire brush having helically arranged bristles.

Clements discloses a surface cleaning machine with an elongated agitation brush having helically arranged bristles. It would have been obvious to one of ordinary skill in the art to provide the bristle arrangement of Clements in ASPA in view of Losey or Liebscher to allow for the most effective cleaning of a surface by allowing for more effective agitation and pick-up of embedded dirt.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection. Applicant urges that the brush of Losey operates in a manner that is against the teaching of the claimed invention. Applicant is believed to be in error with his argument because Losey provides motivation for incorporating his brush into the ASPA, that of providing for a combined brushing and beating element by which a continuous brushing action is maintained. Applicant's claim does not provide any structure that would 'prevent' the brush of Losey from operating in the intended manner. Therefore, it is believed the combination is proper, though the motivation may not be that of Applicant's claimed invention.

Allowable Subject Matter

4. Claims 6, 8, 13 and 16-22 are allowed.

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5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

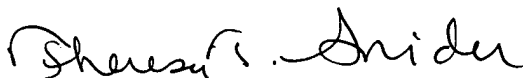
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

1/24/2005

**THERESA T. SNIDER
PRIMARY EXAMINER**